

Senator Linn moved that tomorrow at 11 a. m. be fixed as the hour for the Senate to go into executive session on the Governor's appointments.

So ordered.

On motion of Senator Greer, the Senate adjourned to 10 a. m. tomorrow.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas, Tuesday, Feb. 7, 1899.  
Senate met pursuant to adjournment.  
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

#### Absent—Excused.

Goss.	Miller.
Gough.	Patterson.
Hanger.	Yett.
Lewis.	

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

#### EXCUSED.

On motion of Senator Morriss, Senator Potter was excused for non-attendance on yesterday on account of important business.

On motion of Senator Neal, Senator Stone was excused for non-attendance on yesterday on account of important business.

On motion of Senator Turney, Senator Kerr was excused for today on account of sickness.

#### PETITIONS AND MEMORIALS.

By Senator Potter:

Memorial of citizens, residents upon block No. 97 of State lands, relating to homestead rights in school lands.

Read, and referred to Committee on Public Lands.

By Senator Sebastian:

Petition from citizens of Scurry county owning public lands patented by the State, and entitled to patents by reason of having lived upon the same, etc.

Read, and referred to Committee on Public Lands.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Feb. 6, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate Joint Resolution No. 3, establishing a commission to be known as "The Tax Commission," whose duty it shall be to formulate measures looking to a fair and equitable imposition of taxes and to their more certain and economical collection, and also to a better and safer system for the disbursement of the public money, and to report the same to the Legislature; and making an appropriation for the expenses of such commission,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, being "An Act to amend Article 5058, of the Revised Civil Statutes of 1895, of the State of Texas, as passed in 1891, relating to the duties of revenue agents,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 38, being "An Act to punish all officers of this State who are charged by law with the enforcement of the criminal laws of Texas, who consent or agree to accept or receive any plea of guilty from any person charged with crime, or any person who is or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, or who consent

or agree to receive or accept any money from any person charged with crime, or who is or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, shall be permitted to commit other offenses against the laws of this State, or shall be permitted for any period of time to engage in any occupation, calling, profession or business in violation of the criminal laws of Texas,"

And find the same correctly engrossed.

JAMES, Chairman.

### BILLS AND RESOLUTIONS.

By Senator Terrell:

Senate bill No. 124, A bill to be entitled "An Act to amend Section 1 and Section 14, of Chapter 164, of the Acts of the Twenty-fifth Legislature, relating to a uniform system of text-books, adding thereto additional branches of study, and making the same apply to cities of more than ten thousand inhabitants."

Read first time, and referred to Committee on Education.

By Senator Turney:

Senate bill No. 125, A bill to be entitled "An Act to amend Article 617b, Chapter 12, Title XVIII, Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Grinnan:

Senate bill No. 126, A bill to be entitled "An Act to amend Sections 2, 10 and 13, of Chapter 103, of the general laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, providing for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed; establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may hereafter be returned delinquent or reported sold to the State or to any county, city or town to satisfy the lien thereon, as enacted by the Regular Session of the Twenty-fourth Legislature, being Chapter 5a, of Title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Sebastian:

Senate bill No. 127, A bill to be entitled "An Act to amend Section 1, Article 5043, of Chapter 121, of the general laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and to place Eastland county under the provisions of the law relating to the inspection of hides and animals."

Read first time, and referred to Committee on Stock and Stock-raising.

By Senator Dibrell:

Senate bill No. 128, A bill to be entitled "An Act to repeal Article 2921, of Chapter 6, Title LII, of the Revised Civil Statutes of the State of Texas, 1895, making the Commissioner of Agriculture, Insurance, Statistics and History ex-officio a member of the board of directors of the Agricultural and Mechanical College."

Read first time, and referred to Committee on Education.

By Senator Dibrell:

Senate bill No. 129, A bill to be entitled "An Act to amend Articles 3862, 3863 and 3866, of Title LXXXV1, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1895, relating to the number, appointment and compensation of the directors of the Agricultural and Mechanical College."

Read first time, and referred to Committee on Education.

By Senator Sebastian:

Senate bill No. 130, A bill to be entitled "An Act to amend Sections 1 and 2, of Chapter 153, of the general laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State, otherwise than by means of the ordinary hook and line, and prohibit the sale or shipment of game fish in this State, and to provide penalties for the violation thereof, and to exempt the counties of Stephens, Eastland and Palo Pinto from the provisions of said Chapter.'"

Read and referred to Committee on Stock and Stock-raising.

By Senator Neal:

Senate bill No. 131, A bill to be entitled "An Act to amend Articles 3235, 3236 and 3240, of the Revised Civil Statutes of the State of Texas of 1895, relating to the preference lien granted to landlords for rents, supplies, advances, etc."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Grinnan and Davidson:

Senate bill No. 132, A bill to be entitled "An Act to amend Chapter 154, of the general laws of the State of Texas, passed

at the Regular Session of the Twenty-fifth Legislature, by adding thereto after Section 3 Section 3a, and to amend Sections 1 and 14 of said Chapter, relating to the creation of a State Text-Book Board, etc."

Read first time, and referred to Committee on Education.

Call concluded.

#### SPECIAL ORDER.

The Chair laid before the Senate, special order,

House bill No. 108, A bill to be entitled "An Act to amend Title IV, Chapter 2, of the Code of Criminal Procedure, relating to the unlawful disposing of mortgaged property, and more particularly fixing the venue of such cases," action being on passage to third reading.

Bill passed to third reading.

#### PENDING BUSINESS.

The Chair laid before the Senate,

Senate bill No. 3, A bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust, or other lien, and to provide for the sale of land under execution, and for the appraisal of land sold under mortgage, deed of trust, execution or other lien, and to provide for the right of redemption of real estate within two years from date of sale when sold under execution, mortgage, deed of trust or other lien; and to repeal all laws in conflict herewith."

Pending action on engrossment, on motion of Senator Potter, the bill was laid on the table subject to call.

#### BILLS ON THIRD READING.

The Chair laid before the Senate, on third reading,

Substitute House bill No. 54, A bill to be entitled "An Act to repeal Article 492, Chapter 2, of Title XIII, of the Penal Code of the State of Texas, and to amend Article 491, of Chapter 2, Title XIII, of the Penal Code of the State of Texas, and declaring an emergency."

Bill read (in full at request of Senator Dibrell) third time.

By Senator McGee:

Amend Section 1, page 2, by striking out the words "and such overseer or superintendent," lines 2 and 3.

Lost.

The bill was then passed.

#### BILL SIGNED.

The Chair gave notice of signing, and did sign, after its caption had been read,

House bill No. 118, A bill to be entitled "An Act to amend Article 2801, of Chap-

-Senate

ter 1, Title LII, Revised Civil Statutes of 1895, relating to the office of Secretary of State, and requiring the Secretary of State to execute a bond."

#### EXECUTIVE MESSAGE.

The following executive message was received, read and referred, as follows: That portion relating to Confederate Pensions to Committee on State Affairs; that portion relating to the Public Lands to Committee on Public Lands and Land Office.

The message is to-wit:

*To the Senate and House of Representatives.*

I beg to submit to the Legislature the following suggestions in reference to the pending legislation for granting aid to indigent and disabled Confederate soldiers and sailors:

1. The constitutional amendment by which such legislation is authorized limits aid to those who are indigent and disabled and are over sixty years of age, or being under such age, whose disability is the proximate result of actual service in the Confederate army for a period of at least three months. In either contingency they must have come to the State prior to January 1, 1880. The amendment is silent as to the necessity of continual residence within the State since the date of their coming. This, however, in my judgment, does not preclude the Legislature from making such requirement as one of the prerequisites to obtaining a pension.

As to their widows, who will constitute another class, in order to entitle them to pensions, the amendment requires that they must show that they are in indigent circumstances; that they have been bona fide residents of the State since March 1, 1880; that they were married to such soldiers or sailors prior to March 1, 1866; and have not remarried. Of course, no widow would be entitled to a pension should her husband, if living, be debarred by reason of his inability to comply with the requisites prescribed by the Constitution and the law. The amendment also limits the aid to be given any pensioner to an amount not exceeding \$8.00 per month, and the aggregate appropriation for such purpose during any one year not to exceed \$250,000.00. At present the number of those who would be entitled to pensions under the amendment cannot be accurately given. Besides, there was a broad distinction between those who enlisted in the Confederate and those who enlisted in the State service. The character and term of the two services were greatly different, and

the amendment does not authorize the granting of aid to any except those serving in the Confederate army proper.

2. At first glance, it would appear to be an easy matter to provide for the enforcement of the amendment under consideration. A somewhat lengthy and extensive experience, however, justifies me in the opinion that the administration of any law upon the subject will be attended with many difficulties. All legislation should be predicated upon the idea that the roll that is to be established should be one of honor, and no name should be put upon it unless its bearer should have shown himself or herself fully entitled to its benefits. In this all good citizens, and especially those whose records as Confederate soldiers are beyond reproach, will most heartily concur. Therefore, respect for the cause which they represent and duty to the public interests demand that all proper safeguards should be created in order to preserve the purity and integrity of the roll. I heartily sympathize with the proposed amendment, but at the same time, I must be permitted to earnestly urge that no precaution be spared in order to prevent the unworthy from enjoying the contemplated bounty of an appreciative and a grateful people. I do not concur in the suggestion of my predecessor for the appointment of a board to administer such fund as may be appropriated, to consist of the Governor, Attorney-General and Comptroller. These officials, with the duties already imposed upon them, would not have the time to give the matter the careful attention which it will deserve. The administration of such a law will be both delicate and difficult, and will necessarily involve much of detail work. Blank applications and affidavits, accompanied by circular letters of information, should be prepared and distributed, and a strict uniformity of procedure is necessary in order to secure proper action and to prevent fraud. A limitation as to remuneration to attorneys and agents for procuring pension certificates, if employed, should be imposed, and no one except the pensioner should be permitted to receive his certificate and monthly allowance. Both should go direct to the pensioner from the State, and not through an intermediate agency, and should be exempt from all legal process of whatever kind. The practice of fraud and also false swearing at every stage of the proceedings for procuring a pension by any one whomsoever should be denounced and punished as a felony. If proof is to be established in the county court of the county in which the applicant resides, a certified copy of all the proceedings should be sent to the

official who is to order the allowance of the pension, and such proceedings should not be conclusive upon him. An opportunity should remain to inquire into all the facts that have been sought to be established in order that the integrity and purity of the roll may be maintained.

In any contemplated legislation upon the subject, it should be borne in mind that if an aggregate sum is to be appropriated, then a date should be fixed at which the fund is to be distributed. If this be not done, it may and probably will happen that the swift will exclude many who are as equally deserving, but have been slower in making the requisite proof. Ample time should be given in which to establish claims before the order of distribution shall be made, and each pensioner should be allowed his definite share of the annual appropriation, every one receiving the same allowance. When it is considered that we have no muster rolls, hospital records or other written evidence by which to establish service or incurrence of disability, or the complete military history of the applicant, but must rely altogether upon oral testimony, and that, too, after the lapse of more than a third of a century, the difficulties that will necessarily confront an honest, impartial and satisfactory administration of the law contemplated by the amendment under consideration will be many and great; and I feel that a proper regard, not only for the taxpayers of the State, but also for the wishes of all who worthily wore the gray, demands the exercise of the utmost caution and skill in the preparation of any measure intended to carry the amendment into effect.

I am inclined to believe, and I do recommend, that the board that is finally to pass upon all applications for pensions and to distribute such appropriations as shall be made for the purpose, should consist of three persons, two of whom should be ex-Confederates, to be appointed by the Comptroller and to act under his authority and jurisdiction, and as a part of the force allowed him by law. This board should be invested with power to make all rules and regulations that may be needful and proper to enforce the law, subject, however, to the authority of the Comptroller.

#### PUBLIC LANDS.

I am requested by the Commissioner of the General Land Office to invite the attention of the Legislature to the present condition of the public lands as respects their lease or sale. Copies of communications from him and from the Attorney-General's office are herewith sub-

mitted, upon which appropriate action is recommended.

LANDS BELONGING TO THE PERMANENT  
FREE SCHOOL FUND.

I have also to recommend the favorable consideration of a policy in reference to the lease and sale of the lands belonging to the permanent public free school fund, similar to that adopted by the Regents of the State University in reference to the lands of that institution, and which has been attended with such satisfactory results. It occurs to me that the force of the General Land Office might be so arranged without any additional expense, except for traveling, as to keep four of its employes constantly in the field, whose duty it shall be to maintain constant watch over such lands, and to see that they are not trespassed upon, and that they are made to yield prompt and uninterrupted revenue, either through sale or lease, for the maintenance of the public free schools. By this means it is more than probable that both the permanent and available funds can be rapidly and considerably increased, resulting in the lengthening of the terms of the schools and the better payment of the teachers. The number of pupils in attendance is growing larger year by year, increasing the demand upon the available fund. It is estimated by the Commissioner of the General Land Office that there are about 7,908,938 acres of the fund that now yield no revenue whatever, a considerable portion of which, it is believed, is being occupied and used by parties who pay no rent therefor. This should not be. Every part of the permanent fund should be made and constantly kept revenue-producing. No branch of the public service is more worthy careful attention than that which pertains to this fund. It is one of the necessary means by which to insure a more efficient free school system.

JOSEPH D. SAYERS,  
Governor.

GENERAL LAND OFFICE,  
STATE OF TEXAS.

GEO. W. FINGER, Commissioner.  
JOHN J. TERRELL, Chief Clerk.

Austin, Texas, Jan. 28, 1899.

*Hon. Joseph D. Sayers, Governor, Austin, Texas.*

DEAR SIR: From the enclosed opinion from the Attorney-General's office to this department you will see that he holds that none of the lands, known as the public lands, can be sold or leased.

The Act of 1895, under which this department sells and leases the school

lands, only provides for the sale of such lands as have been surveyed or may hereafter be surveyed and set apart for the benefit of the school fund and the lease of such lands and the public lands of the State. The Hogue case deciding that all of the public lands belong to the school fund, therefore these lands cannot be sold or leased until some legislation is had thereon.

There are about 3,000,000 of these lands, the most of which is unleased.

These lands having never been surveyed and set apart to the use and benefit of the school fund, cannot under the provisions of the present law relating to the sale and disposition of school lands. By calling the attention of the Legislature to this matter, these lands may be made to bring in some revenue to the school fund. I am,

Very truly yours,  
(Signed) GEO. W. FINGER,  
Commissioner General Land Office.

ATTORNEY-GENERAL'S OFFICE.

T. S. SMITH, Attorney-General.  
R. A. JOHN, Assistant Attorney-General,  
Attends Court of Appeals.

R. H. WARD,  
N. B. MORRIS,  
T. S. JOHNSON,  
Office Assistants.

Austin, Texas, Jan. 27, 1899.

*Hon. Geo. W. Finger, Commissioner General Land Office, Austin, Texas.*

DEAR SIR: You submit to this department the following inquiry: "Have I the power or right to lease under the Act of 1895 any of what is described in said act as the 'public lands of the State,' the Supreme Court of this State having decided, in what is known as the 'Hogue case,' that the public domain was exhausted, and that what was supposed to be public domain was in fact owned by the school fund." In reply, I have to state that the Act of 1895, the caption of which is as follows: "An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands, and of the public lands of the State, and the patenting of any parts of said lands for church, county or school house sites; and to prevent the free use, occupancy, unlawful inclosure or unlawful appropriation of such lands and to prescribe and provide penalties therefor," Acts Twenty-fourth Legislature 63, seems to contemplate, as did previous laws, that the State was still possessed of vacant unappropriated public domain, or public lands, in contradistinction to

the lands belonging to the various funds, such as the free schools, asylums, etc. And in legislating upon this theory, provision was made for the lease of these public lands. The Supreme Court having held, practically, that what the Legislature considered public lands, was in fact a part of the permanent school fund, I am of the opinion that the Hogue case would render the further lease of the public lands, under the present laws, ineffectual and improper. See *Hogue vs. Baker*, Com. Etc., 45 S. W., 1004.

The above Act of 1895 does not make any provision disposing of the money received from the lease of the public lands, although I am informed at the Treasury Department that such money has all been carried to the available free school fund. I am of the opinion that as the Legislature only authorized the lease of this particular land upon the supposition that it was public land, and being mistaken in that, according to the Hogue case, that no further lease should be made of the public lands until the Legislature, now in session, should pass the necessary legislation in regard to the same. I am,

Very truly yours,

(Signed) R. H. WARD,

Office Assistant Attorney-General.

Senator Yantis called up from the table,

Senate bill No. 27, A bill to be entitled "An Act to define 'Legal' and 'Conventional' interest, to create the distinction between the same, and regulate the rate of interest thereof on contracts and judgments, to provide pains and penalties, to prevent usury, and to repeal all laws in conflict with this act," action being on final passage.

By Senator Yantis:

"Amend by adding after the word and figure Section 1, on page 1, in line 11, the following:

"Be it enacted by the Legislature of the State of Texas."

Adopted by the following vote:

Yeas—15.

Atlee.	McGee.
Burns.	Morriss.
Greer.	Odell.
Grinnan.	Potter.
James.	Terrell.
Johnson.	Wayland.
Linn.	Yantis.
Lloyd.	

Nays—6.

Davidson.	Stafford.
Dibrell.	Stone.
Ross.	Turney.

Absent.

Neal.

Absent—Excused.

Goss.

Lewis.

Gough.

Miller.

Hanger.

Patterson.

Kerr.

Yett.

Pending further action, the Chair announced that the hour fixed on yesterday for the Senate to go into Executive Session was at hand and the Senate went into

#### EXECUTIVE SESSION.

In Executive Session the following confirmations were had:

#### FOR PENITENTIARY BOARD.

William Clemens of Comal county.

John B. Peyton of Trinity county.

S. M. Fry of Tarrant county.

#### REGENTS OF THE UNIVERSITY.

Thomas D. Wooten of Travis county.

T. W. Gregory of Travis county.

#### PENDING BUSINESS.

Action recurring to pending business, Senate bill No. 27 (see caption above), the same failed on final passage by the following vote:

Yeas—6.

Grinnan.

Odell.

Lloyd.

Terrell.

Neal.

Yantis.

Nays—16.

Atlee.

Morriss.

Burns.

Potter.

Davidson.

Ross.

Dibrell.

Sebastian.

Greer.

Stafford.

James.

Stone.

Linn.

Turney.

McGee.

Wayland.

Absent.

Johnson.

Absent—Excused.

Goss.

Lewis.

Gough.

Miller.

Hanger.

Patterson.

Kerr.

Yett.

#### REASONS FOR VOTE.

"However desirous I may be to vote for Senate bill No. 27, I vote 'no' for the reason that after full and fair discussion by the Senate on this question, evidently the rate of interest cannot be lawfully changed except by a constitutional amendment, so likewise no change in the homestead can be made except by like amendment.

"WAYLAND."

"I vote 'no' on Senate bill No. 27, for this reason: In my opinion, under the Constitution, Article XVI, Section 11, a contract for interest at a less rate than ten per cent. is not usurious, and I do not believe that we can, by legislative enactment, make a lesser rate than ten per centum usurious. I believe that the bill would be righteous if permitted by the Constitution.

"MCGEE."

"I vote 'no' because I am clearly of the opinion that the law would be unconstitutional.

"POTTER."

"MR. PRESIDENT: My vote of 'no' on Senate bill No. 27, I desire to explain as follows: Believing that the Constitution of Texas was involved, I permitted it to interpret itself. I find that in 1876, the interest rate was twelve per cent. and in order to change it, the Constitution was amended in 1891, reducing it to ten per cent. My opinion is that to change the rate as proposed in Senate bill No. 27, would require a constitutional amendment.

"MORRISS."

"MR. PRESIDENT: Senate bill No. 27, seeks to change and reduce the conventional, or contract, rate of interest from ten to eight per cent. per annum. The measure as proposed, has the personal approbation of the 'Senator from Harris.' My judgment, however, as a lawyer, is that the proposed legislation is in conflict with Section 11, Article XVI, of the Constitution of the State of Texas, which section, as amended, was declared adopted on the 22nd day of September, 1891, and reads as follows:

"All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious."

"This is an amendment to Section 11, of the Constitution of 1876, which read as follows:

"By contract parties may agree upon any rate not to exceed twelve per cent. All interest charged above this last named rate shall be usurious."

"It follows, therefore, that inasmuch as an amendment to the Constitution was necessary in order that the Legislature might lower the rate of contract interest from twelve per cent. to ten per cent., that a like amendment to Section 11 would be absolutely necessary in order to reduce contract or conventional interest from ten per cent. to eight per cent. The query follows, 'What is usury?' The Constitution answers: 'Any sum in excess of ten per cent.,' therefore, any sum which is not in excess of the above amount could not be declared usurious.

The Constitution of the State is the only safe, guiding star to 'legislative mariners.' The above objections, reached after careful consideration of the subject matter, deny to me, as a lawyer, the privilege of casting my vote for the passage of the bill, and I accordingly vote 'no.'

"BURNS."

"I vote 'no' on Senate bill No. 27, providing the reduction of the rate of interest ten to eight per cent, and desire to give for printing in the Journal, briefly my reasons therefor. First, I believe the bill unconstitutional, as being in conflict with Section 11, of Article XVI, of the State Constitution, it being an affirmative provision as to the rate and I think clearly implies that the Legislature shall have no power to change the same. Second, I believe a lower rate of interest for Texas than the present rate would be detrimental to the business interest of the State. I think it would discourage manufacturing and other enterprises in Texas. Third, While I think if the bill should become a law in addition to the above, the very people whom it is supposed to benefit would be oppressed by it by the tying of capital of all kinds and making the circulation of money scarcer.

"ROSS."

#### HOUSE MESSAGES.

The following messages from the House were received:

Hall of the House of Representatives,  
Austin, Texas, Feb. 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 176, "An Act to regulate the terms and fix the times for holding the district court in the Twenty-third Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

Also House bill No. 49, "An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and conform the jurisdiction of the District Court of said county to such change, and to repeal all laws in conflict with this act."

Also House bill No. 351, "An Act to fix the time for holding the courts in the

Thirty-fifth Judicial District, and repeal all laws in conflict herewith."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives,

Austin, Texas, Feb. 7, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 364, "An Act to create and authorize the appointment of a commission to ascertain and report to the Governor as early as possible the amount of land surveyed and set apart to the public free schools, the amount of land surveyed and set apart for other purposes since the adoption of the Constitution, April 18, 1876."

Also House bill No. 283, "An Act to amend Title 4, 'Apportionment,' Article 21, subdivisions 3 and 4, of the Revised Civil Statutes of the State of Texas of 1895."

Also House bill No. 149, "An Act to extend terms and prescribe the time of holding the terms of the district courts of the Thirty-seventh and Forty-fifth districts of Texas."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 176 to Committee on Judicial Districts.

House bill No. 351 to Committee on Judicial Districts.

House bill No. 283 to Committee on Judicial Districts.

House bill No. 149 to Committee on Judicial Districts.

House bill No. 364 to Committee on Public Lands and Land Office.

House bill No. 49 to Judiciary Committee No. 1.

Resuming consideration of bills on third reading,

The Chair laid before the Senate,

Senate bill No. 38, A bill to be entitled "An Act to punish all officers of this State who are charged by law with the enforcement of the criminal laws of Texas who agree to accept or receive any plea of guilty from any person charged with crime or any person who is or may be engaged in any occupation, calling, profession, or business in violation of the criminal laws of Texas, or who agree to receive or accept any money from any

person charged with crime, or who is or may be engaged in any occupation, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any profession, calling, occupation or business, shall be permitted to commit other offenses against the laws of this State or shall be permitted for any period of time to engage in any occupation, calling, profession or business in violation of the criminal laws of Texas."

Bill read third time, and passed.

The Chair then laid before the Senate,

Senate bill No. 67, A bill to be entitled "An Act to amend Article 5058, of the Revised Civil Statutes of 1895 of the State of Texas, as passed in 1891, relating to the duties of revenue agents."

Bill read third time, and passed.

On motion of Senator Atlee, the regular order of business was suspended to take up, on second reading,

Substitute Senate bill No. 68, A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms, or dogs, upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor."

Substitute bill (by committee) caption above read, and adopted.

By Senator Potter:

"Amend by adding after Section 4 the following: 'Cooke and Grayson.'"

Adopted.

By Senator Greer:

"Add after Section 4 the following: 'Nacogdoches, San Augustine, Sabine, Jasper, Hardin, Tyler and Newton.'"

Adopted.

By Senator Neal:

"Amend Section 4 by adding: 'Grimes, Walker, Madison, Montgomery, Leon, San Jacinto and Polk.'"

Adopted.

By Senator McGee:

"Amend by adding to Section 4, 'Harrison.'"

By Senator Linn:

"Amend the amendment (McGee's) by adding: 'Wharton, Matagorda, Brazoria, Chambers and Galveston counties.'"

Adopted.

The amendment as amended was then adopted.

By Senator Sebastian:

"Amend by adding after Section 4, 'Stephens, Eastland and Palo Pinto.'"

Adopted.

By Senator Ross:

"Amend by inserting after Section 4 the words, 'Lamar and Fannin.'"

Adopted.



By Senator Johnson:  
 "Amend by adding after Section 4,  
 'Navarro, Kaufman and Henderson.'"  
 Adopted.

By Senator James:  
 "Amend by adding after Section 4,  
 'Franklin, Titus, Camp, Delta, Hopkins  
 and Red River.'"  
 Adopted.

By Senator Stafford:  
 "Amend by adding to Section 4,  
 'Wood, Rains, Smith, Gregg, Van Zandt  
 and Upshur.'"  
 Adopted.

By Senator Terrell:  
 "Amend by adding to Section 4,  
 'Wise, Denton and Montague.'"  
 Adopted.

By Senator Morriss:  
 "Add to counties exempt under Section  
 4, 'Bowie, Cass, Marion and Morris.'"  
 Adopted.

By Senator Yantis:  
 "Amend by adding after Section 4,  
 'Milam, McLennan and Falls.'"  
 Adopted.

By Senator Odell:  
 "Amend by adding after Section 4,  
 'Hill, Ellis and Johnson.'"  
 Adopted.

Pending further action, on motion of  
 Senator Davidson further consideration  
 was postponed and the bill made special  
 order for Friday next after call.

Senator Terrell entered a motion to re-  
 consider the vote by which

Substitute House bill No. 54, A bill to  
 be entitled "An Act to repeal Article  
 492, Chapter 2, of Title XIII, of the  
 Penal Code of the State of Texas, and to  
 amend Article 491, of Chapter 2, Title  
 XIII, of the Penal Code of the State of  
 Texas, and declaring an emergency,"

Was passed, and that the House be re-  
 quested to return same to the Senate for  
 further consideration.

Senator Greer entered a motion to re-  
 consider the vote by which the amend-  
 ment offered by Senator McGee to Sec-  
 tion 1 of the bill (Substitute House bill  
 No. 54), to-wit: In Section 1 strike out  
 the words "and such overseer or superin-  
 tendent," was lost.

On motion of Senator Johnson, the  
 Senate adjourned to 10 a. m. tomorrow.

#### TWENTY-SECOND DAY.

Senate Chamber,  
 Austin, Texas, Wednesday, Feb. 8, 1899.

Senate met pursuant to adjournment.  
 Lieutenant-Governor Browning in the  
 chair.

Roll called. Quorum present, the fol-  
 lowing Senators answering to their  
 names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Pötter.
Greer.	Ross.
Grinnan.	Stafford.
James.	Stone.
Johnson.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

Absent.

Kerr. Sebastian.

Absent—Excused.

Goss.	Miller.
Gough.	Patterson.
Hanger.	Yett.
Lewis.	

Prayer by the Chaplain, Rev. Dr. Den-  
 son.

Pending the reading of the Journal of  
 yesterday,

On motion of Senator Greer, the same  
 was dispensed with.

#### PETITIONS AND MEMORIALS.

The President laid before the Senate  
 the following memorial, which was read  
 and referred to Committee on Military  
 Affairs:

FIRST DIVISION SEVENTH ARMY CORPS,  
 CAMP COLUMBIA.

Havana, Cuba, January 24, 1899.

*To the Honorable President and Senators  
 Twenty-sixth Texas Legislature, Aus-  
 tin, Texas:*

The non-commissioned officers and pri-  
 vates of the First Texas Volunteer Infan-  
 try would present: That when the Pres-  
 ident of the United States called for vol-  
 unteers in 1898, we cheerfully responded  
 thereto, evidenced by our enrollment in  
 May of said year. In doing so, many  
 sacrifices were made—by some, business  
 interests, by others lucrative positions,  
 and by all separation from homes and  
 family ties; prospects were not consid-  
 ered. Our record proves that we were  
 moved about from place to place, making  
 it more expensive to us individually than  
 if we had remained at one place, by  
 reason of our having to fit up new quar-  
 ters at each new place, making clothing  
 boxes, gun racks, etc., and purchasing  
 material necessary to do same.

Furthermore, our clothing allowance  
 has been in most instances overdrawn, it  
 having been incumbent upon us to pro-  
 vide ourselves with suits of clothing suit-  
 able for the cool and warm climates.